

My Place is in the Voting Booth: Hoosier Suffragette Helen M. Gougar

(Although based on actual facts surrounding the case of *Gougar v. Timberlake* and the life of Helen Gougar, parts of this script may be the author's fictional interpretation.)

Scene One: Indiana Supreme Court Law Library

[Student holds up "Applause" sign.]

Narrator: Welcome to the Indiana Supreme Court Law Library.

[Student places Indiana Supreme Court Law Library scene card on easel. Student places January 1897 scene card on easel. **Law Librarian #1** sits at table.]

Narrator: It is early January 1897 and Helen Gougar has come to Indianapolis to prepare for her oral argument before the Indiana Supreme Court.

Definition Student: [stand up and read definition of oral argument] Oral arguments are the presentation of information about a case in front of an appellate court. Both sides have the same amount of time to convince the panel of judges to rule in their favor.

Narrator: Helen's case is scheduled for the middle of February 1897. While working in the law library in Indianapolis Helen agrees to talk to a reporter from the *New York Times* about her case and her career as lecturer on temperance and woman's suffrage.

[**Helen** enters the room and looks around. She's holding a briefcase and a stack of law books under her arm. She places them all on one of the attorney tables. Takes off her hat and gloves.]

[**Reporter #1** gets up from row, where all of the other reporters are also sitting and goes up to the table while Helen is making her entrance.]

Helen: [approaching the reporter] Hello, I'm Helen Gougar. Are you the reporter from the *New York Times*?

Reporter #1: Yes I am, ma'am. My name is John/Jane Smith. Thank you so much for agreeing to meet with me this morning. I've read about you in the paper for years, and I'm honored to finally make your acquaintance.

Helen: That's nice, but I've a lot of researching to do, so what exactly did you want to talk to me about?

Reporter #1: I understand you will be arguing before the Indiana Supreme Court next month?

Helen: Yes, yes, why do you think I'm so busy...

Reporter #1: Well, I think the readers of the *New York Times* would like to know more about your case. Lots of folks are interested in women's rights and want to know how your case turns out. I want to know more about the important work you've been doing for the last twenty years or so. I'm especially interested in hearing your views about temperance and women's rights.

Narrator: [addressing the audience] Helen Gougar was a very active national speaker on a number of different topics. She was probably best known for her speeches about temperance and women's suffrage. Do you know what the temperance movement wanted to end?

Definition Student: [stand up and read description of the Temperance Movement] The temperance movement was a movement that tried to convince people to stop drinking alcohol.

Narrator: [addressing the audience] Do you know what women's suffrage means?

Definition Student: [stand up and read definition of women's suffrage] Suffrage is the right to vote. Women such as Elizabeth Cady Stanton, Susan B. Anthony, Helen Gougar, and many others worked for 100 years before women in the United States were granted the right to vote. Sometimes called suffragists, these women lectured, wrote, and marched on behalf of women's rights.

Law Librarian #1: Shhh. Can you please keep it down? This is a library you know.

Reporter #1: But before we talk about your work as an activist, could you give me a little background about yourself? Have you always lived in Indiana? How did you become a lawyer?
[begins to frantically take notes while Helen is talking]

Helen: Oh no, I didn't move to Indiana until I was about 16. I was born near Litchfield, Michigan, on July 18, 1843.

[Student bring map of INDIANA and MICHIGAN to front and place on easel. Another student attach a dot with the label MICHIGAN. Another student attach a dot with the label LITCHFIELD.]

Helen: My parents were farmers, and I had six brothers and sisters.

[Students playing **Helen's mother, father, uncle, and 6 brothers and sisters** stand and wave. Student holds up sign for Helen's family.]

Helen: I went to public school until I was 12 years old, and then I transferred to a nearby preparatory school for girls, named Hillsdale College. When I was 16, my parents needed my help. I quit school and began looking for a job. I was offered a job as a teacher in the town of Lafayette, Indiana, where my uncle lived.

[Student attaches a dot with the label INDIANA. Another student attaches a dot with the label LAFAYETTE. Another student attaches a dot with the label INDIANAPOLIS.]

Helen: I accepted the job and moved to Lafayette in May 1860. Lafayette is about 1 hour north of Indianapolis. I was known as Helen Jackson then, my maiden name was Jackson.

Reporter #1: [flipping back through his notes] Teacher...did you say teacher? I have written down here that you were the 1st woman lawyer in Tippecanoe County, not that you were a teacher.

Helen: Tippecanoe County is where Lafayette is located. I didn't get admitted to the bar until years after I was married, not until 1895.

Let me catch you up. You see in 1863, I married a young, prominent attorney in Lafayette named John Gougar. [Helen wait for John to stand up and wave to him.]

[**John Gougar** stand up and wave.]

Helen: I soon quit teaching so that I could assist him as a clerk in his office. On many evenings, I would read to John from his law books because his eyes were weak. In this way, I learned a lot about the laws of the state and the country.

Reporter #1: So did you go to law school right away and get admitted to the practice of law?

Helen: [laughs] Oh no! Hardly anyone went to law school back then. Almost everyone learned to be a lawyer the same way I did. You work in a law practice, and over time you learn what to do. When you think you are ready, you ask to be admitted to the bar by the lawyers in your county.

Narrator: Helen keeps mentioning the bar. Do lawyers drink all day? What does she mean by the bar?

Definition Student: [stand up and read definition of the "Bar"] The Indiana Constitution of 1851 had very few requirements for being a lawyer. The only qualifications were to be a voter and a person of good moral character. If a person wanted to practice law, they had to get approval from the other lawyers in their county. If the lawyers agreed that the candidate was qualified, the person was admitted to the bar. That means they could go to the front of the courtroom and through the swinging gate, "the bar."

Reporter #1: So, after you were married, you practiced law with your husband?

Helen: Not exactly. My husband has a very serious eye condition. [John stand up and wave again.] So, from almost the beginning of our marriage I helped out with his practice. I did legal research; I read law books out loud to him and that sort of thing. By the 1870s I was also becoming pretty active in my adopted hometown of Lafayette. I helped raise money for churches, the opera house, and the library. I was also very busy writing a column for the Lafayette paper. I was the first woman in Lafayette to become a journalist. I also gave many temperance and suffrage speeches. I gave speeches not only in Indiana, but all around the country.

Did you know that Susan B. Anthony and Elizabeth Cady Stanton both came to Lafayette and gave speeches about women's rights? They even slept in our house!

[Student with picture of Gougar's Lafayette Home walks to front, holds up sign, and then sits back down.]

Narrator: Do you know who Elizabeth Cady Stanton is?

Biography Student: [student stands up and reads biography card for Elizabeth Cady Stanton] Stanton was born November 12, 1815 in Johnston, New York. She received the same education as her brothers. This was rare for women at the time. Stanton and other women's rights activists organized the first women's rights convention at Seneca Falls, New York, in 1848. She died in 1902, not quite twenty years before women were granted the right to vote.

Narrator: Do you know who Susan B. Anthony is?

Biography Student: [student stands up and reads biography card for Susan B. Anthony] Anthony was born February 15, 1820 and played a vital role in the women's rights movement. Like Stanton, Anthony was lucky enough to get a good education. Because she was single, Anthony was able to travel around the world speaking on behalf of women's rights for 45 years. Anthony died in 1906, however the 19th Amendment is sometimes called the Susan B. Anthony Amendment.

Reporter #1: Did you meet either of them when they were in Lafayette?

Helen: [kind of look at him and laugh] My dear man/lady. Let me tell you, both Elizabeth Cady Stanton and Susan B. Anthony stayed in my house. Didn't I just tell you that? Elizabeth even gave a lecture in my living room!

[Student holds up "Applause" sign.]

[Student removes the Indiana Supreme Court Law Library scene card. Student removes the January 1897 scene card. **Law Librarian #1** heads back to seat. **Reporter #1** heads back to seat. Student removes the map of INDIANA and MICHIGAN.]

Scene Two: Lafayette, Indiana (June 1880)

Narrator: Imagine what that scene must have been like, about 15 years ago in the Gougar's Lafayette home. What a meeting it must have been! This was a meeting of some of the most famous women in America and Indiana, right in Helen and John's living room. May Wright Sewall, also joins the group. Do you know who she is?

Biography Student: [student stands up and reads biography card for May Wright Sewall] Sewall was born in 1844 in Wisconsin, received two degrees from North Western Female College, and moved to Indianapolis in 1872. She actively pursued women's suffrage across Indiana and the Midwest working with both Anthony and Stanton. Sewall, like Helen Gougar, Elizabeth Cady Stanton, and Susan B. Anthony, died before the ratification of the 19th Amendment giving women the vote.

Narrator: While both Helen and May were Hoosiers fighting for women's suffrage they often didn't agree on tactics and were never close friends. Some might even call them enemies. Let's eavesdrop on this important meeting.

[Student places Lafayette, Indiana scene card on easel. Student places June 1880 scene card on easel. Student places picture of Gougar's Lafayette Home on easel.]

[**Stanton, Sewall, Anthony,** and **Young Helen #1** gather in front of room.]

Young Helen #1: Elizabeth, Susan, May welcome to my home. I am so glad you could come today. As you can see, quite a few people here in Lafayette are interested in hearing you speak on the topic of women's suffrage.

[**Young Helen #1** gestures around the room at students with suffrage sashes and picket signs. **6 picketers** seated together stand up and march around room with signs for a minute. Students hold up "Votes for women" signs. Others with signs can stand in place and wave the picket signs.]

Young Helen #1: Elizabeth, would you honor us with a few words?

Elizabeth Cady Stanton: Of course, Helen, I'd be happy to. I'm going to use part of a speech I gave in 1867 to the American Equal Rights Association:

[**Young Helen #1** heads back to seat.]

Elizabeth Cady Stanton:

"If we need purity, honor, self-sacrifice and devotion anywhere, we need them in those who have in their keeping the life and prosperity of a nation. In the enfranchisement of woman...we see for her new honor and dignity, more liberal, exalted and enlightened views of life, its objects, ends and aims, and an entire revolution in the new world of interest and action where she is soon to play a part. And in saying this, I do not claim that woman is better than man, but that the sexes have a civilizing power on each other... When woman understands the momentous interests that depend on the ballot, she will make it her first duty to educate every American boy and girl into the idea that to vote is the most sacred act of citizenship—a religious duty not to be discharged thoughtlessly, selfishly or corruptly; but conscientiously, remembering that, in a republican government, to every citizen is entrusted the interests of the nation. Would you fully estimate the responsibility of the ballot, think of it as the great regulation power of a continent, of all our interests, political, commercial, religious, educational, social and sanitary!"

[Student holds up "Applause" sign.]

[At the end of the speech, **6 picketers**, along with others with picket signs and sashes, stand up and clap. Students hold up "Votes for women" signs.]

May Wright Sewall: That was a wonderful speech, Elizabeth. Thank you.

Susan B. Anthony: May, I'm so glad you could join us today, even though you and Helen seem to have trouble agreeing on much of anything. Helen is so busy with all of her lectures. I sometimes worry that she will not put enough effort into the push for getting women the vote.

May Wright Sewall: I do wish Helen would limit her speeches on other issues and just focus on women's suffrage. But I doubt that's going to happen anytime soon.

Susan B. Anthony: Not to mention all the lawsuits.

Narrator: Lawsuits? I wonder what Miss Anthony is talking about. That reporter from the *Times* has only mentioned the case that is going on right now. I wonder if he/she is going to ask her about other ones?

[**Stanton, Sewall, and Anthony** head back to seats.]

[Student holds up "Applause" sign.]

[Student removes Lafayette, Indiana scene card. Student removes June 1880 scene card. Student removes picture of Gougar's Lafayette Home.]

Scene Three: Indiana Supreme Court Law Library

Narrator: Let's return now to the Indiana Supreme Court Law Library and listen in while Helen continues her conversation with the New York Times Reporter. I think he/she's interested in how Helen became a lawyer.

[Student places Indiana Supreme Court Law Library scene card on easel. Student places January 1897 scene card on easel. **Law Librarian #2** sits at table. **Helen** and **Reporter #2** stroll back to the front of the room and continue the conversation.]

Reporter #2: Mrs. Gougar, I know you were very busy in the 1880s not only giving lectures on temperance and women's suffrage, but also campaigning. Were you still involved in your husband's law practice during this time?

Helen: Well, I wasn't helping John around the office as much as I had been, but that doesn't mean I wasn't involved in the law. I was campaigning for Indiana candidates who supported giving women the right to vote.

[Student with sashes and picket signs (including **6 picketers**) stand up and wave their signs. Students hold up “Votes for women” signs.]

Helen: Believe it or not, there are still many men and women who oppose giving women the vote. Women have been fighting for this right since the Revolutionary War when Abigail Adams told her husband, future President John Adams, to “remember the ladies.”

Narrator: Don’t forget, it is only 1897. Women will not get the right to vote until the passage of the 19th Amendment – about 20 years from now.

Definition Student: [stand up and read definition of the 19th Amendment] The 19th Amendment granted women the right to vote. It was passed by Congress in 1919 and ratified by the states in 1920.

Law Librarian #2: Shhh. Can you please keep it down? This is a library you know.

Helen: Being denied the vote is not the only sort of discrimination women must fight against.

Reporter #2: You sound like you’re speaking from personal experience.

Helen: I most certainly am! As you may know, this case is not my first lawsuit. Back in 1881, I sued the Western Union Telegraph Company because they had unfairly delayed a message I had wanted to send. They sent several other telegraphs from men—all who came in after me—before my telegram. I went to court and won! I received \$100.00 in damages.

I also sued Henry Mandler, the Lafayette Chief of Police, for slander when he spread rumors about me that hurt my reputation during a campaign. The trial was considered national news at the time. I’m sure you read about it in your own newspaper, the *Times*.

In both of these cases, however, I had not yet been formally admitted to the bar, so I did not represent myself like I am in this case. But I helped prepare the documents and so forth. It was good practice for this case.

Reporter #2: The case you’re currently getting ready for is called [look at notes] Gougar versus Timberlake and this time you are acting as your own lawyer. Can you tell me about how this case got started?

Helen: [hmm, look pensive] Give me a minute to get my thoughts in order. I suppose you want me to start with when I tried to vote and was denied my right to vote?

[Student holds up "Applause" sign. **6 picketers** stand up and march around room with signs. **6 picketers** end up near ballot box waving signs throughout scene four.]

[Student removes the Indiana Supreme Court Law Library scene card. Student removes the January 1897 scene card. **Law Librarian #2** heads back to seat. **Reporter #2** heads back to seat.]

Scene Four: Lafayette, Indiana (November 1894)

Narrator: I think we're back in Lafayette again. Let's see what happens when Helen tries to vote. I think that is her husband, John, with her at the polling place.

[Student places Lafayette, Indiana scene card on easel. Student places November 1894 scene card on easel. Student places Voting Booth scene card on table. Student places Ballot Box on table.]

[**2 poll workers** are seated at table with a large ledger book open in front of them. **Young Helen #2, John Gougar** and **Voter 1, Voter 2, and Voter 3** approach the table.]

Poll Worker #1: Name, please.

Voter 1: Peyton Manning

Poll Worker #1: [looks up his name in the poll book, checks it off] Thank you Mr. Manning. Please sign here and move to the voting booth. [let him sign poll book and hand him a ballot]

[**Voter 1 (Mr. Manning)** signs poll book, walks over to voting booth, casts his vote, and places in Ballot Box. Then heads back to seat.]

Poll Worker #2: Name, please.

Voter 2: Reggie Wayne.

Poll Worker #2: [Looks up his name in the poll book, checks it off]. Thank you Mr. Wayne. Please sign here and move to the voting booth. [let him sign poll book and hand him a ballot]

[**Voter 2 (Mr. Wayne)** signs poll book, walks over to voting booth, casts his vote and places in Ballot Box. Then heads back to seat.]

Poll Worker #1: Name, please.

Voter 3: Dewitt Wallace

Narrator: Dewitt Wallace? He's the candidate that Helen was campaigning for that got her involved in that other lawsuit!

Poll Worker #1: [looks up his name in the poll book, checks it off]. Thank you Mr. Wallace. Please sign here and move to the voting booth. [let him sign poll book and hand him a ballot]

[**Voter 3 (Mr. Wallace)** signs poll book, walks over to voting booth, casts his vote and places in Ballot Box. Then heads back to seat.]

Poll Worker #2: Name, Please.

John Gougar: John Gougar.

Poll Worker #2: [Looks up his name in the poll book, checks it off]. Thank you Mr. Gougar. Please sign here and move to the voting booth. [let him sign poll book and hand him a ballot]

[**Mr. Gougar** signs poll book, walks over to voting booth, casts his vote and places in Ballot Box. Then heads back to seat.]

Poll Worker #1: Name, Please.

Young Helen #2: Helen Gougar.

Poll Worker #1: Ma'am, I'm sorry you are not allowed to vote.

Young Helen #2: And why not? I'm a citizen of this country and this town. I pay my taxes.

Poll Worker #2: Ma'am, I'm sorry. We're just doing our job. You are not in the poll book so I can't let you vote. If you have an issue with that, you need to take it up with the County Election Board. Mr. Timberlake is the Inspector for this voting place. [Points to **Mr.**

Timberlake. Student stands up with his sign and turns around and waves.]

Young Helen #2: That's just what I'll do. You let the Election Board and Mr. Timberlake know that they will be hearing from me.

Poll Worker #1 and #2: Yes ma'am. We will.

[Student holds up "Applause" sign.]

[**6 picketers** head back to seats. **2 poll workers** and **Young Helen #2** head back to seats.]

[Student removes Lafayette, Indiana scene card. Student removes November 1894 scene card. Student removes Voting Booth scene card. Student removes Ballot Box.]

Scene Five: Indiana Supreme Court Law Library

Narrator: Wow – wasn't that exciting! Those picketers are really into it. Let's go back to the Indiana Supreme Court Law Library and rejoin Helen and that reporter for the end of the interview. She's been talking to him/her a long time.

[Student places Indiana Supreme Court Law Library scene card on easel. Student places January 1897 scene card on easel. **Law Librarian #3** sits at table. **Helen** and **Reporter #3** stroll back to the front of the room and continue the conversation.)

Reporter #3: So you decided to sue the Tippecanoe County Election Board? What did you say in your suit?

Helen: I simply gave the judge the straight forward facts:

In 1894, I encouraged the women of Indiana to join me in attempting to vote in the November election. While accompanied by my husband and several supporters, I attempted to vote and was denied that right. I am a citizen of this county, state, and nation. I pay my taxes and work to better my community. I am better informed about the issues than most men. There is no reason I shouldn't be allowed to vote!

The case is named Gougar v. Timberlake after me and the man in charge of elections in Tippecanoe County, Mr. M.H. Timberlake. [**Mr. Timberlake** stands up with his sign and turns around.]

Reporter #3: So who did you hire to represent you in the trial up in Lafayette?

Helen: No one. I decided it was time to let the world know that I had just as much legal training as just about every lawyer in Lafayette. I applied to the Bar to be admitted to practice law.

On January 10, 1895, I was sworn into the Bar of Tippecanoe County and on the same day, I argued my case in front of Judge Everett of the Tippecanoe County Superior Court. Judge Everett ruled against me. I was not satisfied. I still believe I'm entitled to vote, so I appealed to the Indiana Supreme Court.

That's why I'm here now, preparing to argue before the Indiana Supreme Court on February 19th next year.

Law Librarian #3: Shhh. Can you please keep it down? This is a library you know...

Helen: If you'll excuse me, I think I've spent long enough talking about the past with you. I need to finish my preparations.

Reporter #3: Thank you for your time Mrs. Gougar. I'll be in the courtroom on February 19th. Good luck.

[Student holds up "Applause" sign.]

[**Helen** exits around back with her briefcase and books. **Reporter #3** returns to his seat with the other reporters. He/she is ready to take notes during the oral argument.]

[Student removes the Indiana Supreme Court Law Library scene card. Student removes the January 1897 scene card. **Law Librarian #3** heads back to seat.]

Scene Six: Indiana Supreme Court Courtroom (February 1897)

Narrator: So Helen's case was appealed from her county court in Lafayette to the Indiana Supreme Court in Indianapolis. Do you know what it means to appeal?

Definition Student: [stand up and read definition of appeal] Appeal means to have a higher court review the ruling of a lower court. You only do this if you are not happy with the ruling of the lower court. Since Helen lost in the lower court, she's the one who filed the appeal.

Narrator: Do you know how the Indiana Supreme Court is different from a county court?

Definition Student: [stands up and read explanation of difference between trial and appellate court.] A county trial court has only 1 judge elected by the people in the county. An appellate court has a panel of several judges. They are elected by the people from many counties. In 1897, at the time of Helen's case, there were 5 members of the Indiana Supreme Court. There are still 5 today. The Indiana Supreme Court is the highest court in the state of Indiana.

Narrator: It looks like court is getting ready to be called in to session. Let's see how Helen Gougar does. She will be one of the very first women to ever argue before the Indiana Supreme Court.

[Student places Indiana Supreme Court Courtroom scene card on easel. Student places February 19, 1897 scene card on easel.]

[**Helen** and **John Gougar** come and stand at same table she's been using. **Mr. Sayler 1**, **Mr. Sayler 2**, and **Mr. Sayler 3** sit in assigned seats in front row. **Mr. Timberlake**, **Mr. Rice**, and **Mr. Potter** go to the other table. **Bailiff** goes and stands next to stage. Students playing **judges** are robed and waiting to go on stage.]

Bailiff: [Bailiff pounds gavel three times. Everyone in room stands up.] All rise. Hear Ye, Hear Ye, Hear Ye, the Supreme Court of Indiana is now in session.

[Five students portraying **judges** enter and are seated at the table.]

Chief Justice Hackney: You may be seated. We are gathered here today to hear oral arguments in the case of [shuffle through papers] of Gougar verses Timberlake. Mrs. Gougar is represented by...[shuffle through papers—look up in surprise.] By Mrs. Helen Gougar? [Look at Helen] Is that correct?

Helen: [Standing] Yes, Your honor. I am joined here at the counsel table with my co-counsel, Mr. John Gougar [**John Gougar** stands]. Mistern Sayler, Sayler, and Sayler [turn and wave at lawyers in the front row. **All Saylers** stand up and turn around. Student holds up sign for Helen's legal team.]

Judge Howard: Mrs. Gougar, are we to understand that you have been duly admitted to the practice of law in Indiana?

Helen: Yes, Your Honor. I was admitted to the bar in January 1895 in Tippecanoe County. Mr. Alexander Rice submitted my name for admission. [turn and wave at Alexander Rice, attorney for Timberlake. **Rice** stands up.]

Judge Howard: [looking over at Mr. Rice.] Is this correct Mr. Rice?

Alexander Rice: Yes, Your Honor it is. Mrs. Gougar is an extremely well qualified lawyer. I think you will see that for yourself here this morning.

Chief Justice Hackney: Very well. Mr. Timberlake [**Mr. Timberlake** stands and waves, turns around with his sign, sits back down] is represented today by Mr. Rice whom we've already met [**Mr. Rice** stands and then sits back down] and W. S. Potter [**Mr. Potter** stands and then sits back down.] Mr. Rice, you may begin.

Alexander Rice: Your Honors, on the morning of November 6, 1894, my client, Mr. Timberlake (point to Mr. Timberlake), was simply doing his job. He was serving as the Inspector of Election for precinct 14 in Tippecanoe County when Mrs. Gougar arrived at the polling place and asked for a ballot.

Judge Howard: Mr. Rice, how did Mr. Timberlake and the poll workers respond to her request?

Alexander Rice: Sir, they told Mrs. Gougar that they could not give her a ballot.

Judge McCabe: How did Mrs. Gougar react to their denial?

Alexander Rice: She asked for an explanation as to why she couldn't vote.

Judge McCabe: What explanation did the workers offer?

Alexander Rice: They told her that they could not give her a "ballot because she was not a legal voter." When Mrs. Gougar asked why she was not a voter, the workers told her that she was not a legal voter because she was a woman.

Judge Howard: Was Mrs. Gougar satisfied with this response?

Alexander Rice: I believe not, Your Honors. First, she filed a case in the local trial courts trying to establish her right to vote, and then appealed here to the Indiana Supreme Court. Clearly Mr. Timberlake and the other election officials were simply carrying out their jobs as instructed.

I think there is little else to say on this point. I would like to leave the remainder of my time for Mrs. Gougar.

Chief Justice Hackney: Hmmm. Highly unusual. Mrs. Gougar, you may proceed.

Narrator: Helen sent the court a 57 page brief explaining her position using 63 different points. I sure hope she has cut her argument down a bit. I don't think the judges will want to listen to her discuss each and every point. She spoke for four hours up in Judge Everett's courtroom in Lafayette!

Helen: Your Honors.

"Only a few times in the history of human government are men called to occupy a place of greater responsibility than is your Honor on this occasion."

The struggle of American women to gain the right to vote is no different than the struggle of early American colonists against the tyranny of the British Crown during the American Revolution. [interrupted by McCabe]

Judge McCabe: [interrupting] Mrs. Gougar, I understand that you are a wonderful speaker, but this is 1897. The American Revolution was 120 years ago. Can you make your argument a little more relevant?

Helen: Of course, Your Honor.

In our state's 1851 constitutional convention the M a l e delegates expressed great concern over giving married women control over their own property. I think some went as far as to assert that allowing women to hold and control property after marriage would lead to, and I quote,

"sin and debauchery sweeping over Indiana."

While women were not given those rights at the constitutional convention, they have since. As you can see, sin and debauchery have not swept through Indiana.

Judge McCabe: Are you comparing giving women control of their houses and livestock to the vote Mrs. Gougar?

Helen: What I am doing, Your Honor, is showing that the unreasonable fear of giving women the vote is nothing but fancy talk.

“the predictions of 1850 look simply ridiculous today and the “old-fogies” of today are using the same arguments against women’s suffrage.” And in a few years they will prove to look ludicrous as well.

Your Honors. “No sane person would bring a suffrage case in North Carolina or Georgia, but in Indiana, progressive Indiana, before an up-to-date court, ...an enlightened interpretation of existing laws” is possible.

Judge Monks: Mrs. Gougar, perhaps we could elevate this argument a little above the name calling of your....so called “old fogies.” Where do you find the basis of your claims for women’s suffrage?

Helen: Judge Monks, “suffrage is a natural right and belongs by nature to every person of responsible age and mind, regardless of color, race or sex.”

Judge Monks: Yes, yes, yes. Mrs. Gougar. I understand your theoretical claims. But where in the law can we find support for allowing women to vote?

[Student holds up card with words from Constitution.]

Helen: The Indiana State Constitution says in Article 1, Section 23 that “The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.” I believe that by denying women the right to vote, this Constitutional right is violated.

Judge Jordan: Mrs. Gougar, am I to understand that you are claiming that only in Indiana should women be allowed to vote?

Helen: Not at all Your Honor. As I said before, it is a natural right. And the founding fathers protected all of humanity, not just the male half of the population when they wrote in the Declaration of Independence:

[Student holds up card with words from Declaration of Independence.]

“We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.”

This does not say that “all males” are created equal ... but it says all men, meaning all humanity and women are a part of humanity. I ask you, ARE WOMEN PEOPLE?”

“Without woman suffrage the women of Indiana have no more representation in the legislative branch of the state than the cattle of the field.”

“On behalf of the women citizens of Indiana, it is my prayer that this Court may arise to the dignity of this great occasion, and with unbiased judgment give the decree that shall make me and my sex free! With this I rest my argument.”

[with dramatic flourish return to her seat]

[Student holds up “Applause” sign.]

[Judges frown at the applause from the crowd.]

Judge Jordan: Thank you Mrs. Gougar.

Chief Justice Hackney: Thank you Mr. Rice, Mrs. Gougar. The court will advise you when it is ready to hand down an opinion in this matter.

[6 **Pickers** stand up and walk once around the room.]

[**Judges** remain at the table and pretend to be working. Looking at books, writing notes, occasionally turning to each other and whispering.]

[**All of the lawyers** stand up and stretch, shake each others’ hands and just generally mingle.]

Narrator: Whew, that was quite an argument on Mrs. Gougar’s part. Now there is nothing to do but wait for the opinion of the court.

[Student removes February 19, 1897 scene card. Student places February 24, 1897 scene card on easel.]

Narrator: Well it’s been five days since the court heard Mrs. Gougar’s impassioned speech in support of women’s suffrage. Let’s see what the court has decided.

Chief Justice Hackney: In the matter of *Gougar v. Timberlake* the Indiana Supreme Court affirms the findings of the Lafayette County Superior Court.

“The Court does not believe that the privilege of voting is a natural right. There is no right of suffrage except as it is given by the constitution....it is a political privilege held only by those to whom it is granted.”

In addition, “If the 14th Amendment to the U.S. Constitution had granted universal suffrage, there would have been no need for the 15th Amendment.” Mrs. Gougar is incorrect when she asserts “that citizenship and suffrage are made inseparable by the federal constitution.”

Citizenship alone does not give a person the right to vote.

[**6 picketers** and others boo.]

Bailiff: All rise. [Everyone stands up. **Judges** push chairs back, stand up, and leave stage to return back to seats. THEN, pound gavel one time.] Court is adjourned.

[Student holds up “Applause” sign.]

[**John Gougar, Mr. Sayler 1, Mr. Sayler 2, Mr. Sayler 3, Mr. Timberlake, Mr. Rice, Mr. Potter, and Bailiff** return to seats in audience.]

[Student removes Indiana Supreme Court Courtroom scene card.
Student removes February 24, 1897 scene card.]

Narrator: Helen and many women across Indiana were disappointed, if not completely surprised, by the Court’s ruling. Women in Indiana, and in many other states, would not receive the right to vote until the passage of the 19th Amendment to the U.S. Constitution in 1920.

Helen returned home to Lafayette and continued her activism, especially campaigning for politicians she believed in, like William Jennings Bryan. She travelled extensively with her husband to Europe and Asia. She continued writing and published two books. She died at her home in Lafayette in 1907.

[Student holds up “Applause” sign.]